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PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE

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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 C.F.R. 1.53(b))

Attorney Docket No.

16517.254

First Inventor

Timothy W. CONNER, et al.

Title

Nucleic Acid Molecules and Other Molecules Associated with Transcription in Plants

Express Mail Label No.

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
 2. ☐ Applicant claims small entity status.
See 37 CFR 1.27.
 3. ☒ Specification [Total Pages (preferred arrangement set forth below)
 - Descriptive title of the Invention
 - Cross References to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
 4. ☐ Drawing(s) (35 U.S.C. 113) [Total Sheets - 5. Oath or Declaration [Total Pages - a. ☐ Newly executed (original or copy)
 - b. ☒ Copy from a prior application (37 CFR 1.63 (d))
(for a continuation/divisional with Box 18 completed)
 - i. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO:

Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. ☒ Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. ☒ CD-ROM or CD-R (2 copies); or
 - ii. ☐ paper
 - c. ☒ Statements verifying identity of above copies

ACCOMPANYING APPLICATIONS PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 C.F.R. §3.73(b) Statement ☐ Power of Attorney
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☒ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☒ Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other: Petition for Extension of Time (in duplicate)

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

of prior application No: 09 / 229,413

Prior application information: Examiner MEHTA, A

Group / Art Unit: 1638

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

17. CORRESPONDENCE ADDRESS

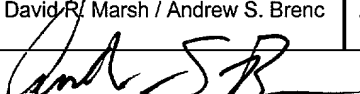
☒ Customer Number or Bar Code Label

28381

or ☐ Correspondence address below

(Insert Customer No. or Attach bar code label here)

Name	David R. Marsh				
	June E. Cohan				
Address	ARNOLD & PORTER				
	555 12th Street, N.W.				
City	Washington	State	D.C.	Zip Code	20004-1206
Country	USA	Telephone	202-942-5000	Fax	202-942-5999

Name (Print/Type)	David R. Marsh / Andrew S. Brenc	Registration No. (Attorney/Agent)	41,408 / 45,534
Signature		Date	08/06/01

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

post card

FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

Complete if Known

Application Number To Be Assigned
Filing Date: Herewith
First Named Inventor Timothy W. CONNER, et al.
Examiner Name To Be Assigned
Group / Art Unit To Be Assigned

TOTAL AMOUNT OF PAYMENT (\$ 710.00

Attorney Docket No 16517.254

METHOD OF PAYMENT (check one)

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit
Account
Number

Deposit
Account
Name

- ☐ Charge Any Additional Fee Required
Under 37 CFR 1.16 and 1.17
☐ Applicant claims small entity status.
See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money
Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	710.00
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	

SUBTOTAL (1)

(\$710.00)

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
4	-20**	0	0
Independent Claims	3	-3**	0
Multiple Dependent			0

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	80	209	40	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$ 0)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet.	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	130	123	130	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ 0)

SUBMITTED BY

Name (Print/Type)	Registration No. (Attorney/Agent)	Telephone	Date
David R. Marsh Andrew S. Breno	41,408/45,534	202-942-5900	08/06/01
Signature			

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

ARNOLD & PORTER



August 6, 2001

Box Patent Application

Commissioner for Patents
Washington, D.C. 20231

Re: U.S. Continuation Application
Appl. No.: To Be Assigned
Filed: Herewith
For: Nucleic Acid Molecules and Other Molecules
Associated with Transcription in Plants
Inventors: Timothy W. CONNER, *et al.*
Atty. Docket: 16517.254

Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office. This continuation is being filed simultaneously with a Petition for Extension of Time for (1) one month in the parent application number 09/229,413, which is hereby incorporated by reference in its entirety, and to which this application claims priority as a continuation application under 35 U.S.C. 120. If, for any reason, the one month extension of time for parent application 09/229,413 is not sufficient to maintain the pendency of parent application 09/229,413 for the purposes of the priority of this application, Applicants hereby petition for an extension of time in parent application 09/229,413 that is sufficient to allow for copendency of this application and parent application 09/229,413, and authorize the commissioner to charge Arnold and Porter deposit account number 50-1824 referencing docket number 16517.235 for any fees required for such petition.

1. This Transmittal Letter;
2. Utility Patent Application Transmittal (PTO/SB/05);
3. Transmittal Fee form;

4. U.S. Non-Provisional Application entitled:

**Nucleic Acid Molecules and Other Molecules Associated with Transcription
in Plants**

and naming as inventors:

Timothy W. Conner, Gregory R. Heck, and Jingdong Liu;

the application consisting of:

- a. A specification containing:
- (i) 324 pages of a description prior to the claims;
 - (ii) 3 pages of claims (9 claims); and
 - (iii) a one (1) page abstract;
5. three (3) CD-ROMs:
- (i) the sequence listing in computer readable form (*i.e.*, CRF);
 - (ii) Copy 1 of the sequence listing on compact disc; and
 - (iii) Copy 2 of the sequence listing on compact disc;
6. a Statement Regarding Sequence Submission;
7. an executed Combined Declaration and Power of Attorney executed by Timothy W. Conner (7 pages);
8. an executed Combined Declaration and Power of Attorney executed by Gregory R. Heck (7 pages);
9. an executed Combined Declaration and Power of Attorney executed by Jingdong Liu (7 pages);
10. Preliminary Amendment;
11. a Request and Certification Under 35 U.S.C. 122(b)(2)(B)(i) (PTO/SB/35);

FILED 06/22/06

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Commissioner for Patents
Continuation Application
Atty. Dkt. 16517.254
Page 3

12. check No. 136031 in the amount of \$710 to cover the basic continuation filing fee;
13. Information Disclosure Statement;
14. PTO Form-1449 (5 pages) listing 36 references; and
15. two (2) return postcards.

Submitted herewith are a sequence listing on CD-ROM (two copies) and a sequence listing in Computer Readable Form (CRF) on CD-ROM, in compliance with 37 C.F.R. §§ 1.52(e), 1.77, and 1.823.

Three CD-ROMs accompany this transmittal letter: two copies of a sequence listing (Seq. Listing: Copy 1, Seq. Listing: Copy 2), a sequence listing in CRF.

Seq. Listing: Copy 1 and Seq. Listing: Copy 2 are identical to each other and to the CRF. Each sequence listing CD-ROM contains one file called "16517-235 seq listing.txt" which is 1,929,701 bytes in size (measured in MS-DOS) and each was created on August 06, 2001. All CD-ROMs are in IBM-PC machine format, and are MS-DOS and MS-Windows compatible.

It is respectfully requested that, of the two attached postcards, one be stamped with the filing date of these documents and returned to our courier, and the other, prepaid postcard, be stamped with the filing date and unofficial application number and returned as soon as possible.

ARNOLD & PORTER

Commissioner for Patents
Continuation Application
Atty. Dkt. 16517.254
Page 4

Applicants do not believe that any fees other than the basic filing fee (\$710) are due in conjunction with this filing. However, should any additional fees be required, the Patent and Trademark Office is authorized to charge any additional fees or credit any overpayment to Arnold and Porter deposit account 50-1824 referencing matter number 16517.254.

Respectfully submitted,



David R. Marsh (Reg. No. 41,408)

Andrew S. Brenc (Reg. No. 45,534)

Enclosures

16517.254-0000

REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)	First Named Inventor Timothy W. CONNER, et al.	
	Title	Nucleic Acid Molecules and Other Molecules Associated with Transcription in Plants
	Atty Docket Number	16517.254

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

08/06/01

Date

Andrew S. Brenc

Signature

David R. Marsh (Reg. No 41,408)
Andrew S. Brenc (Reg. No. 45,534)

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

FORM PTO/SB/35 (11-00)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Continuation application:

Timothy W. CONNER, et al.

Art Unit: To Be Assigned

Appln. No.: To Be Assigned

Examiner: To Be Assigned

Filed: Herewith

Atty. Docket: 16517.254

For: Nucleic Acid Molecules and Other
Molecules Associated with Transcription in
Plants

Statement Regarding Sequence Submission

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

In accordance with 37 C.F.R. § 1.821(f), the compact disk copies of the Sequence Listing and the computer-readable copy of the Sequence Listing submitted herewith in the above-mentioned application are the same.

Respectfully submitted,



David R. Marsh (Reg. No. 41,408)
Andrew S. Brenc (Reg. No. 45,534)

Date:

08/06/01

ARNOLD & PORTER
555 Twelfth Street, N.W.
Washington, D.C. 20004-1206
(202) 942-5000 telephone
(202) 942-5999 facsimile

409080" 522260